

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

BLUE SPIKE, LLC,

Plaintiff,

v.

GOOGLE INC.,

Defendant.

Civil Action No. 6:12-CV-499-MHS

**DECLARATION OF ABEER DUBEY IN SUPPORT OF DEFENDANT'S MOTION TO
TRANSFER VENUE TO UNITED STATES DISTRICT COURT FOR THE NORTHERN
DISTRICT OF CALIFORNIA UNDER 28 U.S.C. §1404(a)**

I, Abeer Dubey, state and declare as follows:

1. I am a People Analytics Manager at Google Inc. ("Google") and provide this declaration in support of Google's motion to transfer the above-captioned action to the United States District Court for the Northern District of California. I submit this declaration based upon my knowledge of the corporate structure of Google, and my investigation of the location of witnesses and evidence related to the systems Plaintiff Blue Spike, LLC ("Blue Spike") appears to be referencing as accused of infringement in its Complaint.

2. Blue Spike's Complaint alleges that Google's "YouTube, Content ID, Video Identification ("Video ID"), Google Play and Google Music software, applications websites, systems and technology" infringe four patents that the complaint states generally relate to the idea of "content recognition." I will refer to the listed products and services to the extent they may be related to "content recognition" collectively as the "Accused Systems."

3. I have made efforts to identify the persons most knowledgeable about the Accused Systems and the location of evidence that would be most relevant to them. As discussed below, the Northern District of California is a much more accessible and convenient forum than this Court for Google's witnesses and its documents.

4. Google has been headquartered in Northern California since its founding in 1998. It has been headquartered in Mountain View, California (located in the Northern District of California) since 2003.

5. Google's Mountain View, California headquarters is the strategic center of Google's business and houses more than ten thousand employees. Google's headquarters is home to approximately one-third of Google's total world-wide employees, and over half of its U.S. employees, including engineers, product managers, executives, and staff. Google also has a significant number of additional employees in San Francisco and San Bruno, California, both of which are in the Northern District of California.

6. Decisions related to Google's overall business, including the most significant sales, marketing and engineering decisions related to the Accused Systems, are made by senior executives all of whom reside in Mountain View or San Bruno, California.

7. As an example, one of the Accused Systems is YouTube, which was developed by YouTube, LLC. YouTube, LLC was founded in Northern California in February 2005 and acquired by Google in November 2006. YouTube, LLC now operates as a wholly-owned subsidiary of Google and is headquartered in San Bruno, California. The majority of YouTube personnel, including engineers, product managers, executive, and staff, work in Northern California.

8. Two other Accused Systems are listed as “Content ID” and “Video Identification.” According to Google’s investigation, the engineers with relevant knowledge of “content recognition” functionality for YouTube that Google understands to be implicated by the terms “Content ID” or “Video Identification,” are located in Mountain View or San Bruno, California, or ultimately report to individuals in Mountain View or San Bruno with ownership of and responsibility for that functionality.

9. In particular, I have been informed and understand that Sergey Ioffe, a Research Scientist, and Dominik Roblek, a Senior Software Engineer, are both employed by Google and are located at its Mountain View, California location, and are persons who possess relevant knowledge concerning the operation and design of content recognition functionality in YouTube.

10. The remaining Accused Systems are Google Play and Google Music. Google Play is, generally speaking, Google’s digital application distribution platform and it is not clear what plaintiff may be referring to in its reference to Google Play. With respect to Google Music, to the extent it has features or functionalities related to content recognition, these features and functionalities were developed in Mountain View, California. According to Google’s investigation, the engineers with knowledge of Google Music (and Google Play) are located in Mountain View, California.

11. In particular, I have been informed and understand that Mr. Roblek and also David Ross, a Senior Software Engineer at Google, who is also located in Mountain View California, are persons who possess relevant knowledge concerning the operation and design of any content recognition functionality in Google Music.

12. Google does not have a substantial presence in Eastern District of Texas. In April 2012, Google opened a small office to house a handful of employees in a suburb of Dallas at

Frisco, Texas. Google also maintains an office in the Western District of Texas, where it employs fewer than 200 individuals, about 85% of whom work in sales, marketing, or administration. The Google employees in Texas are not involved with the development or management of any of the Accused Systems, and are predominantly involved with Google's Enterprise sales group for other Google products.

13. Google's Enterprise sales group in Dallas focuses on sales of software to businesses to meet their needs. These enterprise sales are separate from, and unrelated to the groups that manage, develop, and maintain the Accused Systems.

14. I am currently aware of no Google employees with relevant knowledge regarding the Accused Systems residing or working in Texas, let alone in the Eastern District of Texas.

15. I have been informed that there are no physical documents related to the Accused Systems, or its general operations, marketing, financials, licensing practices, and/or customer-service that are located in Texas or the Eastern District of Texas.

16. All relevant electronic documents, such as those generated by engineers or managers that relate to the development or operation of the Accused Systems, are also most easily accessible in Mountain View or San Bruno, California, as that is where the persons who can identify and locate such documents reside.

I declare under penalty of perjury that the foregoing is true and correct. Executed in Mountain View, California on April 18, 2013.


